

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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EVANS TUTT,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No. 3:20-cv-00722-MMD-CLB

ORDER

Petitioner Evans Tutt, who is currently in the custody of the Nevada Department of Corrections, has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 7.) Currently before the Court is Petitioner's application to proceed *in forma pauperis*. (ECF No. 6.)

A \$5.00 filing fee is required to initiate a habeas action in a federal district court. 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees. The Court may authorize a person to begin an action without prepaying fees and costs if the person demonstrates indigency. 28 U.S.C. § 1915; LSR 1-1, 1-2. The IFP application must be submitted on the form provided by the court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true. *Id.*

Although Petitioner submitted the required form, the supporting documents show he is able to pay the \$5 filing fee. Thus, he does not qualify for a fee waiver. The Court therefore denies the IFP application and gives Petitioner until March 29, 2021, to pay the \$5 filing fee.

It is therefore ordered that Petitioner's application to proceed *in forma pauperis* (ECF No. 6) is denied. Petitioner must pay the \$5.00 filing fee by March 29, 2021.

The Clerk of Court is directed to send Petitioner *two* copies of this order. Petitioner must make the necessary arrangements to have a copy of this order attached to the check

1 for the filing fee.

2 It is further ordered that, if Petitioner fails to comply with this order by the March
3 29, 2021 deadline, this case will be dismissed without prejudice and without further
4 advance notice.

5 The initial screening of Petitioner's petition under the Rules Governing Section
6 2254 Cases in the United States District Courts and consideration of the Motion for Stay
7 of Habeas Petition (ECF No. 1-2) and Motions for Appointment of Counsel (ECF Nos. 1-
8 3, 8) are deferred to until such time as he has fully complied with this order.

9 DATED THIS 18th Day of February 2021.

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12 MIRANDA M. DU
13 CHIEF UNITED STATES DISTRICT JUDGE
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